

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THE AUTOMOBILE INS. CO. OF HARTFORD,
a/s/o Sherry Demrick,

Plaintiff,

v.

ORDER
08-CV-623A

ELECTROLUX HOME PRODUCTS, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 24, 2011, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that plaintiff's motion for summary judgment dismissing certain affirmative defenses asserted by defendant be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's motion for summary judgment is granted in part and denied in part.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: April 13, 2011